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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,986	08/03/2001	Bruce A. Epstein	2386/102	6869

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BROMBERG & SUNSTEIN LLP
125 SUMMER STREET
BOSTON, MA 02110-1618

EXAMINER

TRUONG, CAM Y T

ART UNIT PAPER NUMBER

2172

DATE MAILED: 12/23/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,986

Applicant(s)

EPSTEIN, BRUCE A.

Examiner

Cam Y T Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-14 are pending in this Office Action.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-12 and 14 are drawn to search data in a metadata-enhanced database, classified in class 707, subclass 3.
 - II. Claim 13 is drawn to rank user's reliability based upon user contributions, classified in class 707, subclass 5.
3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, Searching data in a metadata-enhanced database in invention I can be used in retrieving information from the metadata-enhanced database. Ranking user's reliability based on user contributions in invention II can be used in evaluating user's reliability. See MPEP § 806.05(d).
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
5. During a telephone conversation with Mr. Jeffrey T. Klayman on 12/11/03 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-12 and 14. Affirmation of this election must be made by applicant in replying to

this Office action. Claim 13 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Gross (US 2002/0004735).

As to claim 14, Gross teaches the claimed limitation “means for retrieving information from the metadata-enhanced database” as updating information in database 200 of computer 120. This database 200 is used to store attributes of products and products. Metadata is defined as title, subject, date, size, and author of a file. Thus, attributes such as product ID, product name are presented as metadata. Since Vendor/product database stores attributes of products; thus, the vendor/product database is represented as a metadata-enhanced database. The above information shows that the system retrieves information from database 200 to update database 200 (page 7, col. Right, lines 30-56, page 4, col. Right, lines 24-28).

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8. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Galvin (USP 6134315).

As to claim 14, Galvin teaches the claimed limitation "means for retrieving information from the metadata-enhanced database" as metadata maintained in database 300. This information shows that the system retrieves metadata to update. The database 300 is represented as the metadata (col. 6, line 64).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-4, 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross (US 2002/0004735) in view of Aycock et al (or hereinafter "Aycock") (USP 5765138).

As to claim 1, Gross teaches the claimed limitations:

"a metadata-enhanced database (metabase) for recording data and related metadata" as vendor/product database 200 is used to storing attributes of products and products. Metadata is defined as title, subject, date, size, and author of a file. Thus, attributes such as product ID, product name are presented as metadata. Since Vendor/product database stores attributes of products, thus, the vendor/product

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database is represented as a metadata-enhanced database. The attributes of products are represented as related metadata (page 7, col. Right, lines 30-56).

Gross does not explicitly teach the claimed limitation "for enabling a metabase user to assess the reliability of the data and other metabase users based upon the metadata". However, Gross teaches the vendor interface module 210 may request a user name and password from a party seeking access to the vendor/product database. Since this database stores attributes of products and products, thus when a user accesses the database 200, the user can access to products and attributes of products (figs.3A-3N, page 4, lines 57-58). Aycock teaches accessing performanceⁿ and reliability of products in database 66 (col. 9, lines 60-65; col. 10, lines 20-30).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Aycock's teaching of accessing performance and reliability of products in database 66 to Gross's system in order to allow users to buy any high qualify products via Internet.

As to claim 2, Gross discloses the claimed limitation subject matter in claim 1, except the claimed limitation "wherein the reliability of the data is assessed by evaluating the reliability of its contributors and the reliability of the contributors is assessed by evaluating the reliability of the data". Aycock teaches accessing performance and reliability of products in database 66 (col. 9, lines 60-65; col. 10, lines 20-30).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Aycock's teaching of accessing performance and reliability of products in database 66 to Gross's system in order to allow users to buy any high quality products via Internet.

As to claim 3, Gross teaches the claimed limitation "wherein the metabase is populated and maintained by the metabase users" as updating the information in the vendor/product database (page 4, col. Right, lines 22-30).

As to claim 4, Gross teaches the claimed limitation "automated versioning means for tracking and maintaining a history of each datum recorded in the metabase" as the tracking module 220 tracks and updates history database 215 (page 6, col. Right, lines 30-48).

As to claim 6, Gross teaches the claimed limitation "information gathering means for obtaining information from various sources" as vendor/product database obtains information from various vendors (figs. 1-3N).

As to claim 7, Gross does not explicitly teach the claimed limitation "wherein the metabase comprises reliability assessment means for assessing the reliability of the data and the metabase users". Aycock teaches accessing performance and reliability of products of vendors in database 66 (col. 9, lines 60-65; col. 10, lines 20-30).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Aycock's teaching of accessing performance and reliability of products in database 66 to Gross's system in order to allow users to buy any high quality products via Internet.

As to claim 8, Gross teaches the claimed limitation "automated help means for resolving metabase user queries" as once a consumer has identified a particular product or service, the computer system displays to the consumer a list of offerings from a plurality on-line vendors. This information shows the system automatically resolve user's queries to display the result to a user (page 4, lines 50-67).

As to claim 9, Gross teaches the claimed limitation "customizable retrieval means for enabling a metabase user to specify various criteria for retrieving data" as a user can select any price range to search and the system will return a result based on user's request (figs. 4-5).

As to claim 10, Gross teaches the claimed limitation "user identification information; user personal information; user performance information; information characterization information; contributor information; source (citation) information; feedback information; implicit information; historical information; user rankings obtained from one or more ranking authorities; opinion information from contributors and users of the data regarding the reliability of the data

and the users; and solicited information regarding the reliability of the data and the users" as vendor ID is represented as user identification information (fig. 3D).

As to claim 11, Gross teaches the claimed limitation "browser means for interacting with web-based entities" as a user interact with the websites of the on-line vendors (figs. 4-5).

11. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross (US 2002/0004735) in view of Aycock et al (or hereinafter "Aycock") (USP 5765138) and further in view of Reilly (USP 6427164).

As to claim 5, Gross discloses the claimed limitation subject matter in claim 1, except the claimed limitation "notification means for notifying interested metabase users regarding metabase changes". Reilly teaches the sending user is notified as to the new electronic email address so as (col. 3, lines 1-5).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Reilly's teaching of the sending user is notified as to the new electronic email address to Gross's system in order to allow the sending user to update automatically.

As to claim 12, Gross teaches the claimed limitations:

"wherein the metabase uses an editable data markup language for creating and using the metabase, wherein the editable data markup language comprises: means for

defining a metabase structure" as the web documents are encoded using HTML. The system create vendor/product database which store information about products and services directly (page 4, col. Right, lines 49-67; page 3, col. Left, lines 50-60);

"means for editing the metabase structure" as updating database (page 4, col. Left, lines 23-30);

"means for contributing information to metabase structure" as database 200 contains products and attributes of products (page 7, col. Right, lines 50-55, fig. 3J);

"means for retrieving information from the metabase structure" retrieving products from database 200 (figs. 4-5);

"means for combining data from multiple metabases" as receiving all information from vendors and storing in database 200 (page 4, lines 20-60).

Gross does not explicitly teach the claimed limitation "means for automatically updating one metabase from another metabase". Reilly teaches automatically updating the user's individual database when receiving new electronic mail address from another database at server (col. 3, lines 1-10).

It would have been obvious to a person of an ordinary skill in the art at the time the invention was made to apply Reilly's teaching of automatically updating the user's individual database when receiving new electronic mail address from another database at server to Gross's system in order to eliminate user's interact.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Jones (USP 6256623).

Agrawal et al (USP 6370526).

Driscoll (UPS 5642502).

Contact Information

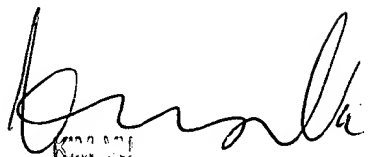
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cam-Y Truong whose telephone number is (703-605-1169). The examiner can normally be reached on Mon-Fri from 8:00AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu, can be reached on (703-305-4393). The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Cam-Y Truong

12/11/03


KIM VU
SUPERVISOR, DATE
TECHNOLOGY CENTER 2100